

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HARRY MARVIN GREEN, }
Petitioner, } Civil Action No. 07-44 Erie
v. }
ATTORNEY GENERAL of }
PENNSYLVANIA, et al., }
Respondents. }

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on March 15, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [22], filed on October 1, 2008, recommends that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability also be denied. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI Laurel Highlands, where he is incarcerated. No objections to the Report and Recommendation have been filed. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 28th day of October, 2008,

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DENIED. Inasmuch as the Petitioner has not made a substantial showing of the denial of a constitutional right, IT IS FURTHER ORDERED that a certificate of appealability is also denied.

The Report and Recommendation [22] of Chief Magistrate Judge Baxter,
filed on October 1, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record
Susan Paradise Baxter, Chief U.S. Magistrate Judge